

IN SENATE OF THE UNITED STATES.

JANUARY 12, 1846.

Submitted, and ordered to be printed.

Mr. SPEIGHT, from the Committee on Public Lands, made the following

REPORT :

[To accompany bill S. No. 19.]

*The Committee on Public Lands, to whom was referred " A bill to aid the State of Mississippi in the construction of a railroad from Jackson, through Brandon, to the western boundary of Alabama," have had the same under consideration, and beg most respectfully to submit the following report :*

The bill proposes to grant unto the State of Mississippi alternate sections of the public lands upon each side of the road proposed to be erected, of the width of five miles, to be sold, and the proceeds, under the direction of the legislature, to be applied to the construction of said road. There are three questions connected with this project, each important in their nature, viz : First, the constitutional power of Congress to make appropriations of the public domain for objects of this nature ; second, its practicability ; and third, its utility. Was this a new question, or was the bill under consideration the first one of its nature ever presented to the consideration of Congress, then might the committee search for arguments to sustain the position which they have assumed ; but when it is borne in mind that repeated grants of a similar nature have been made by Congress to the different States for objects of a similar nature, it seems that the question, though important, might in all reasonable probability be regarded as settled. By the constitution it is declared that " the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

The committee are aware that the opinion is prevalent that, by the deed of cession from the States to the old Congress under the confederation, and to the general government since the adoption of the present constitution, the public lands so ceded were to be held as a common fund for the joint benefit of the States respectively ; and the doctrine is true to a certain extent.

The land proposed (by the bill under consideration) to be granted to the State of Mississippi was ceded to the United States by the State of Georgia, by articles of agreement executed by the respective parties on the 24th of April, 1802. Among others is the following condition : " Shall be

considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatsoever." It will not be denied that the object set forth in the above condition, contained principally in the words "common funds," was intended to provide for the extinguishment of the public debt occasioned by the war of the revolution; and consequently until that debt was extinguished, not one acre of the land could have been applied, in good faith, to any other object save that to which it was most solemnly pledged, without a manifest and palpable violation of the intention and object of the respective parties.

But that obligation has long since ceased to exist, and there no longer (under the original grant) remains any lien on this portion of our public domain. Inasmuch, then, as the committee believe that, under the constitution, Congress has the power to "dispose of" the public domain, they conceive objects of the kind of that contained in this bill to be properly and legitimately within the constitutional scope of Congress. They believe, and, believing, unhesitatingly express that opinion, that, by the strictest principles of law and justice, this portion of the public land, and all similarly situated, reverts back to the original donors, or the States in which the same is situated, because the objects for which the trust was created having been fulfilled, there no longer remains any just or lawful cause why the residue should be withheld from the donors. But that question they refrain at present from mooted, as it will come up in a more solemn and imposing form at the present session of Congress.

In the second place, the committee purpose to submit, in the briefest possible manner, a few reflections on the practicability of constructing this road. There is already between the city of Vicksburg and Jackson a railroad in full operation, and it is proposed to extend it from the latter place to Brandon, (a distance of about twelve miles,) and from thence to the Alabama line, in the direction of Selma or Montgomery, as may hereafter most suitably and properly appear. Between Jackson and Brandon, there scarcely exists an obstacle to the construction of the road, save that of Pearl river, and that is perfectly surmountable, it being such as occurs to all railways.

The country is level, and, perhaps, there is no part of the world better supplied with timber suitably adapted to purposes of the kind. From Brandon to the Alabama line, in the direction of either of the places before mentioned, it is impossible to select a region of country more appropriately and suitably adapted to the construction of a railroad than this. It is believed that, with one-half the amount required to construct roads in northern States, this can be built, and, when completed, will be of a more durable nature, owing to the quality of the material, which consists of pine of the best quality. More it is deemed unnecessary to say on this part of the subject, and the committee will proceed to offer some reasons upon the utility of the project.

The utility and beneficial results of this great work of internal improvement must be so manifestly plain to the minds of all, that to offer reasons in support of its magnitude and importance would be almost to insult the common understanding.

To connect the Mississippi river, that great "inland sea," with the Atlantic ocean, in the direction of Charleston, is a most desirable object, and one which every lover of his country must be anxious to see speedily accomplished. Should the time ever arise (as we have just reason to hope

it will) when the chasm between Jackson and Montgomery shall be filled by the construction of a railway, there will then be no impediment between Vicksburg, on the Mississippi river, and Boston, a distance of 2,000 miles, which may be travelled in the short time of six or seven days, which is almost annihilating space by the means of steam. In a national point of view, should this country ever be involved in war, all must see the necessity of the completion of this link of internal communication. The government under which we live is not one of force, but of public opinion. It seeks not its support and maintenance at the point of the bayonet, but in the hearts and affections of its citizens. It is destined not only to outlast this generation, but those unborn. If, however, there was any probability of its dissolution, one of the surest methods or means of preventing its destruction is the opening of speedy avenues of intercommunication, by which with ease and facility the whole region of our country can be explored by its citizens. There is no way or manner by which this can be so effectually accomplished as by the construction of railways. All history proves the fact, that nothing so effectually strengthens the bonds of union among mankind as frequent intercommunication, and a perfect knowledge of each other's circumstances. "Know thyself," is an old maxim, and one founded in good sense, for thereby we learn our true disposition, and are so enabled to subdue and govern the infirmities of our nature as to be eminently serviceable to our fellow-man, as members of the same social compact. But to know our fellow-man is of equal importance to our well-being and social order; and to enable us to effect this desirable object, we must visit him. To know our country, and contemplate its vast resources, is of still greater importance. No man is capable of estimating the advantages of our glorious Union, who remains in gross ignorance as to the geographical dimensions and vast resources it affords.

In a commercial point of view, to that region of the State of Mississippi through which it is proposed to carry this road, it is a matter of the utmost consequence. They are now entirely shut out from market, having, in most instances, to convey their produce, over wretched roads, from 80 to 150 miles, either to Jackson or Mobile. When this work shall be completed, it will afford to them a ready facility to market, by either going to New Orleans or Mobile. For further particulars in reference to this subject, both in a national and a commercial point of view, the committee refer the Senate to the geographical position of the country over which the road is proposed to pass. Much more might be said in support of its claims, but it has been the chief object of the committee to use brevity rather than prolix dissertation. No better disposition of the public domain can be made than by liberal donations to the States for works of internal improvement and education, thereby not only enhancing the value of the remaining land, but improving the moral and physical condition of the country.

This is an auspicious period to accomplish this most desirable object, and it is hoped that all enlightened statesmen and true lovers of their country will avail themselves of the opportunity thus afforded.

